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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,573	11/26/2001	Eiko Seki	251002009400	7310
25225	7590	04/15/2004	EXAMINER	
MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE SUITE 500 SAN DIEGO, CA 92130-2332			ROBINSON, HOPE A	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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041204

DATE MAILED:

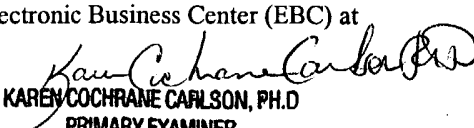
**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. Applicant's response to the Office Action mailed August 20, 2003 on January 23, 2004 is acknowledged.
2. Claims 1-14 have been canceled. Claims 15-23 have been added. Claims 15-23 are pending.
3. The amendment filed on January 23, 2004 which canceled all claims drawn to the elected invention and presented claims drawn to a non-elected invention is non-responsive (MPEP ' 821.03). Newly submitted claims 15-23 are not readable on the elected invention because the originally filed claims are drawn to a method for producing a soluble protein domain comprising preparing two or more DNA fragments by partially digesting a DNA encoding for a protein (see for example, claim 1) and the newly submitted claims are directed to a method to identify a soluble domain that is a portion of a starting protein which method comprises preparing a multiplicity of fusion proteins, each said fusion protein comprising a functional portion and a fragment of said starting protein (see claim 15, for example). Note that the methods are patentably distinct, having different endpoints and method steps. Since the method claims as submitted are directed to an invention that is independent or distinct from the invention originally claimed for the reasons indicated above and since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. The newly submitted claims would have been subjected to a Restriction Requirement had they been presented at the time of filing.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S.F. Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KAREN COCHRANE CARLSON, PH.D.  
PRIMARY EXAMINER

Hope Robinson, MS  
Patent Examiner

